

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION
Docket No.: ROC920010109US1

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS UPGRADE ASSISTANCE USING CRITICAL HISTORICAL PRODUCT INFORMATION

the specification of which (check one)

X is attached hereto.

____ was filed on _____ as

Application Serial No. _____

and was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

I hereby claim the benefit under Title 35, United States Code, §120 of any United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

X (NONE) _____
(Application Serial No.) (Filing Date) (Status) (Patented, Pending, Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all

statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

(List name and registration number)

| | | | |
|---------------------|-----------------|------------------------|-----------------|
| William J. McGinnis | Reg. No. 25,698 | John E. Hoel | Reg. No. 26,279 |
| James R. Nock | Reg. No. 42,937 | Christopher J. Hughes | Reg. No. 26,914 |
| Steven W. Roth | Reg. No. 34,712 | Edward A. Pennington | Reg. No. 32,588 |
| Leslie J. Payne | Reg. No. 26,378 | Joseph C. Redmond, Jr. | Reg. No. 18,753 |
| Grant A. Johnson | Reg. No. 42,696 | Gero G. McClellan | Reg. No. 44,227 |

Send Correspondence to: Gero G. McClellan
Thomason, Moser & Patterson, L.L.P.
3040 Post Oak Boulevard, Suite 1500
Houston, Texas 77056-6582

Direct Telephone Calls to: Gero G. McClellan
713-623-4844

Full name of first Inventor: EARL WALTER EMERICK

Inventor's signature _____ Date _____

Residence: 7805 11TH AVENUE N.W.
ROCHESTER, MINNESOTA 55901

Citizenship: U.S.A.

Post Office Address: Same as above

Full name of second Inventor: LONNY R. OLSON-WILLIAMS

Inventor's signature _____ Date _____

Residence: 1123 8TH STREET S.W.
ROCHESTER, MINNESOTA 55902

Citizenship: U.S.A.

Post Office Address: Same as above

Full name of third Inventor: VAN DEE SAMMONS

Inventor's signature Date

Residence: 1602 EXETER COURT
MARIETTA, GEORGIA 30068

Citizenship: U.S.A.

Post Office Address: Same as above

Full name of fourth Inventor: KURT CLIFFORD THOMPSON

Inventor's signature _____ Date _____

Residence: 2109 BAIHLY HEIGHT DRIVE S.W.
ROCHESTER, MINNESOTA 55902

Citizenship: U.S.A.

Post Office Address: Same as above

Full name of fifth Inventor: PAUL WILLIAM WERTZLER

Inventor's signature _____ Date _____

Residence: 1915 OAK KNOLL LANE N.W.
ROCHESTER, MINNESOTA 55901

Citizenship: U.S.A.

Post Office Address: Same as above

Full name of sixth Inventor: RONALD DEAN YOUNG

Inventor's signature Date

Residence: 19941 480TH STREET
ZUMBROTA, MINNESOTA 55992

Citizenship: U.S.A.

Post Office Address: Same as above

This declaration ends with this page.

ASSIGNMENT

Whereas, we

(1) EARL WALTER EMERICK
County of Olmsted,

City of Rochester,
and State of Minnesota,

(2) LONNY R. OLSON-WILLIAMS
County of Olmsted,

City of Rochester,
and State of Minnesota,

(3) VAN DEE SAMMONS
County of Cobb,

City of Marietta,
and State of Georgia,

(4) KURT CLIFFORD THOMPSON
County of Olmsted,

City of Rochester,
and State of Minnesota,

(5) PAUL WILLIAM WERTZLER
County of Olmsted,

City of Rochester,
and State of Minnesota,

(6) RONALD DEAN YOUNG
County of Goodhue,

City of Zumbrota,
and State of Minnesota,

have invented certain improvements in

METHOD AND APPARATUS UPGRADE ASSISTANCE USING CRITICAL HISTORICAL PRODUCT INFORMATION

and have executed, respectively, a United States patent application therefor on

Dates

Inventors (1) , 2001, (2) , 2001, (3) , 2001,

Signed

Declaration

Dates

Inventors (4) , 2001, (5) , 2001, and (6) , 2001.

Signed

Declaration

And whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York, having a place of business at Armonk, New York 10504, (hereinafter called IBM), desires to acquire the entire right, title and interest in the said application and invention, and to any United States and foreign patents to be obtained therefor;

Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, we the above named hereby sell, assign, and transfer to IBM, its successors and assigns, the entire

right, title and interest in the said application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of said United States application, and we request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in said application to IBM, its successors and assigns; and we hereby agree that IBM may apply for foreign Letters Patent on said invention and we will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

Signed

| | | | |
|-----------------|----------------------|----------------------------------|-----------------------|
| Inventor (1) | at _____ on _____ | EARL WALTER EMERICK 2001. | Inventor Signature |
| Inventor (2) | at _____ on _____ | LONNY R. OLSON-WILLIAMS 2001. | Inventor Signature |
| Inventor (3) | at _____ on _____ | VAN DEE SAMMONS 2001. | Inventor Signature |
| Inventor (4) | at _____ on _____ | KURT CLIFFORD THOMPSON 2001. | Inventor Signature |
| Inventor (5) | at _____ on _____ | PAUL WILLIAM WERTZLER 2001. | Inventor Signature |
| Inventor (6) | at _____ on _____ | RONALD DEAN YOUNG 2001. | Inventor Signature |